

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO.
	:	
UNITED STATES OF AMERICA, and	:	
UNITED STATES DEPARTMENT OF	:	
HEALTH AND HUMAN SERVICES	:	
	:	
Defendants.	:	

COMPLAINT

1. This is an action to enforce the Freedom of Information Act, 5 U.S.C. § 552.
2. Plaintiff is the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE (“DPW”), which has principal offices in Harrisburg, Pennsylvania.
3. Defendants are the UNITED STATES OF AMERICA and its agency the UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (hereinafter collectively referred to as “HHS”), which has principal offices at 200 Independence Avenue, S.W., Washington, D.C. 20201.
4. This Court has jurisdiction and venue pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as defendant), 28 U.S.C. § 1391 (venue), and 5 U.S.C. § 552(a)(4)(B) (provision of FOIA regarding jurisdiction and venue) because, among other reasons, Plaintiff DPW is the complainant and resides in this district.
5. On September 12, 2006, Plaintiff submitted a request for records under the Freedom of Information Act. See September 12, 2006 FOIA Request Letter from Jason W. Manne to Kenneth J. Wolfe, attached as Exhibit A (“FOIA Request”).

6. The FOIA Request seeks documents sent or received by thirteen listed individuals regarding the criteria that a state or county must meet to claim the costs for candidates for foster care pursuant to Title IV-E of the Social Security Act.

7. On October 17, 2006, HHS sent a letter to Jason Manne in response to the September 12, 2006 FOIA Request (attached as Exhibit B). The letter is a self-described “interim” response, noting that the Administration for Children and Families would need more time to search and review documents. HHS further stated, “We estimate that all documents will be gathered and sent to you by October 31, 2006.” See October 17, 2006 Letter from Kenneth J. Wolfe to Jason Manne, Exhibit B.

8. Although nearly three months has passed since HHS’ own estimated date, HHS has not provided any documents in response to the September 12, 2006 FOIA Request nor provided further information regarding its response.

WHEREFORE, the COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE prays that this Honorable Court order Defendants to comply with the requirements of the Freedom of Information Act, release all documents responsive to the request, and award such attorneys fees, costs, and other relief that may be appropriate.

HANGLEY ARONCHICK SEGAL & PUDLIN

January __, 2007

BY: _____

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